

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON AUGUST 8, 2012
IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG,
VIRGINIA:

CALL TO ORDER:

Mr. Lau, Chair, called the meeting to order.

DETERMINATION OF A QUORUM:

Mr. Tuttle established the presence of a quorum.

Present: Frank Lau, Chair
 Joel Donahue, Vice-Chair
 John Tuttle, Secretary
 Robert Miller, Member
 William Seitz, Member
 Bryan Rice, Member
 Cindy W. Disney, Member
 Chris Tuck, Board of Supervisors Liaison
 Steven Sandy, Planning Director
 Dari Jenkins, Planning & Zoning Administrator
 Brea Hopkins, Planning & Zoning Technician

Absent: Jamie MacLean, Development Planner

APPROVAL OF AGENDA:

On a motion by Mr. Miller, and seconded by Mr. Tuttle, and unanimously carried the agenda was approved.

APPROVAL OF CONSENT AGENDA:

On a motion Mr. Seitz, and seconded by Mr. Miller, and unanimously carried the consent agenda was approved.

PUBLIC HEARING:

An Ordinance amending Article IV, Chapter 10 entitled Zoning of the Code of the County of Montgomery, Virginia, Section 10-44, by incorporating regulations for the use of alternative paving materials and exempting particular uses from the requirement to provide a paved parking area.

Mr. Lau introduced the request.

Ms. Jenkins stated the proposed ordinance amendment had been discussed in previous meetings. She reviewed the current ordinance requirements regarding surfacing requirements. The proposed amendments provide an option for the use of alternative paving materials, describe the type of

materials allowed and describes where alternative materials can be used. Also included in the amendment are a list of designated uses that are exempt from the paving requirement. There are provisions for the use of gravel, rock, etc. when the adjoining access road is gravel. The proposed amendments were sent to engineers, surveyors, and interested parties for their review and comment. Mr. Lafleur has responded and made a recommendation for specific standards to be adopted for concrete grid paving units. Mr. Bryan Katz recommended that language defining a storage area be included. Mr. Tom Roberts stated he had no comments regarding the proposed amendment; however, offered suggestions for future ordinance amendments related to parking.

Mr. Seitz asked if staff felt there should be additional language to define a storage area.

Ms. Jenkins stated she felt a definition was not necessary and she was comfortable making a determination based on the site plan for each project. If the commission felt a definition was necessary, one could be drafted. It should be noted that the proposed amendment language does not completely relieve Mrs. Tannahill's issues with paving. The access/travel way would still be required to be paved based on the special use permit condition. Staff has suggested an additional entrance be constructed for public use and the heavy equipment could utilize the existing gravel access.

Mr. Lau noted the need to leave the site open for equipment to be able to navigate.

Mr. Lau opened the public hearing.

Ms. Tannahill, 350 Elliott Creek Road, owner of the truck/bus repair off of Tyler Road stated she understood that a blanket ordinance is necessary. The lot in question has been in continuous use since the 1980's. There is no objection to paving the customer parking area; however, the heavy equipment will tear up the travel way asphalt constantly. Whatever surface is installed has to be sustainable. Paving the access will be a constant issue. There is not enough property to install a second access. An exemption needs to be added to the ordinance to exempt this type of business. The only reason the entrance has become an issue is because an addition was constructed. It is not feasible to continuously concrete or pave the access. The business is not along a state maintained road and the property is surrounded by other garages.

Since there were no additional speakers present, Mr. Lau closed the public hearing.

Mr. Rice asked if the item could be tabled to try and resolve some of the other issues facing the Tannahill business. There will most likely be other uses in the county that will face similar problems.

Ms. Jenkins stated the ordinance is structured so that once a grandfathered use is expanded it has to be brought into compliance with existing regulations. The property is within the 177 corridor and has additional restrictions, so it is necessary to be careful what is approved as this area develops.

Mr. Miller stated there were developments/plans already approved in that area and caution needs to be given when allowing broad discretions. Other people may have the same problems but a gravel surface may not be desirable in that area.

Mr. Tuttle noted that future development is going to occur; however, un-necessary burdens should not be placed on small businesses.

Mr. Tuck offered that there could be a gravel access constructed beside the paved access for the heavy equipment.

Mr. Lau stated crippled equipment would not generate a large amount of dust.

Mr. Seitz stated the ordinance amendment was a separate issue from the Tannahill request and the ordinance should be considered as it would apply to the county as a whole, not an individual property.

A motion was made by Mr. Donahue, seconded by Mr. Miller to recommend approval of an Ordinance amending Article IV, Chapter 10 entitled Zoning of the Code of the County of Montgomery, Virginia, Section 10-44, by incorporating regulations for the use of alternative paving materials and exempting particular uses from the requirement to provide a paved parking area.

Ayes: Disney, Donahue, Lau, Miller, Rice, Seitz, Tuttle
Nays: None
Abstain: None

An Ordinance amending Article IV, Chapter 10 entitled Zoning of the Code of the County of Montgomery, Virginia, Section 10-61, by incorporating a definition for "Kennel, private" and by amending the "Kennel, commercial" definition. Amending Section(s) 10-21 and 10-22 to include "Kennel, private" as a by-right use and revising/incorporating the use limitations for kennels. Amending Section(s) 10-23, 10-24, and 10-25 to allow "Kennel, private" by special use permit and incorporate use limitations for kennels. Amending Section(s) 10-28, 10-29, 10-30, 10-31, 10-33, and 10-34 by incorporating use limitations for kennels.

Mr. Lau introduced the proposed ordinance.

Ms. Jenkins stated there had been previous discussions regarding the proposed amendments to address kennels. Definitions were revised to distinguish between commercial and private kennels. She reviewed the zoning districts that allow commercial and private kennels by special use permit or by-right. Standards were developed regarding the type of kennel depending on which district they are in.

Mr. Seitz questioned the reasoning behind the additional setback requirement which would not allow a perimeter fence to be utilized.

Ms. Jenkins stated staff felt neighbors would not want 5 or more dogs penned along the property line.

Mr. Lau opened the public hearing; however, there being no speakers the public hearing was closed.

A motion was made by Mr. Donahue, seconded by Mr. Tuttle to recommend approval of an Ordinance amending Article IV, Chapter 10 entitled Zoning of the Code of the County of Montgomery, Virginia, Section 10-61, by incorporating a definition for "Kennel, private" and by amending the "Kennel, commercial" definition. Amending Section(s) 10-21 and 10-22 to include "Kennel, private" as a by-right use and revising/incorporating the use limitations for kennels. Amending Section(s) 10-23, 10-24, and 10-25 to allow "Kennel, private" by special use permit and incorporate use limitations for kennels. Amending Section(s) 10-28, 10-29, 10-30, 10-31, 10-33, and 10-34 by incorporating use limitations for kennels.

Ayes: Disney, Donahue, Lau, Miller, Rice, Seitz, Tuttle
Nays: None
Abstain: None

PUBLIC ADDRESS:

Mr. Lau opened the public address; however, there being no speakers the public address was closed.

NEW BUSINESS:

Ms. Disney stated she was having a conflict with serving as liaison to the park and recreation committee. She noted she would like to switch committee assignment with another commission member.

LIAISON REPORTS:

Board of Supervisors: Mr. Tuck reported that the Board of Supervisors had a retreat to discuss long range goals.

Agriculture & Forestal District: Mr. Miller stated the committee met and toured AFD Districts 3,4, and 5 which are up for renewal. The biggest issue involves properties outside the designated districts. A core of 200 acres is required and currently there are properties that do not meet the requirements of being within 1 mile of the core.

Blacksburg Planning Commission: Mr. Lau stated a petition is coming up regarding a rezoning for Terrace View Apartments which would allow an additional 120 bedrooms and 38 units. Since the property is in close proximity to Montgomery County unincorporated limits, it may be appropriate for a planning commission representative to attend, if interested.

Christiansburg Planning Commission: No report

Economic Development Committee: No report

Public Service Authority: Mr. Donahue stated the PSA discussed the joinder agreement, power outage effects, and the need for an additional hydrant on Firetower Rd. to assist the fire department in their frequent responses to the mulching operations that are taking place.

Parks & Recreation: No report.

Radford Planning Commission: No report.

School Board: Mr. Seitz stated the school construction is on time and within budget.

Planning Director's Report: Mr. Sandy noted if anyone is interested in serving on the BZA as an alternate member, there is an opening.

There being no further business the meeting was adjourned at 7:25 pm.